pp4

## UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/223,558 | 12/31/1998 | GREGORY LINDHORST | 3797.77996 | 1430 |

28319     7590     05/20/2003

BANNER & WITCOFF LTD.,
ATTORNEYS FOR MICROSOFT
1001 G STREET , N.W.
ELEVENTH STREET
WASHINGTON, DC   20001-4597

| EXAMINER |
|---|
| HO, THE T |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2126 | 18 |

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

| | **Application No.** | **Applicant(s)** |
|---|---|---|
| **Office Action Summary** | 09/223,558 | LINDHORST ET AL. |
| | **Examiner** | **Art Unit** | |
| | The Thanh Ho | 2126 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>2/27/2003</u> .

2a)☐ This action is **FINAL**.    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-9</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-9</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)    4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)    5)☐ Notice of Informal Patent Application (PTO-152)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .    6)☐ Other: .

U.S. Patent and Trademark Office
PTO-326 (Rev. 04-01)                         **Office Action Summary**                         Part of Paper No. 18

## DETAILED ACTION

In view of the appeal brief filed on 2-27-2003, PROSECUTION IS HEREBY

REOPENED. Responsive to Applicant's arguments, new grounds of rejection are set

forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied

by a supplemental appeal brief, but no new

amendments, affidavits ( 37 CFR 1.130, 1.131 or 1.132) or other evidence are

permitted. See 37 CFR 1.193(b)(2).

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains.  Patentability shall not be negatived by the manner in which the invention was made.

3.  Claims 1-2 and 5-7 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Dale U.S Patent No. 6,272,673 in view of Admitted Prior Arts (APA).

As to claim 1, Dale discloses a system for transporting objects (Fig.3) between a

first (server 24a, Fig. 3) and second machine (client 20a, Fig. 3) where the first machine

is programmed in a first language and the second machine is programmed in a second

language (may alternatively be implemented in another object-oriented language, line

24-25 column 6), a memory (11, and 12, Fig. 2) for storing code; a first processor (10,

Fig. 2) on the first machine (server 24a, Fig. 3) for executing code and instantiating an

object on the first machine (causes component 64 to be instantiated and executed on

the application server 24a, line 21-22 column 12); outputting the object to the second

machine (application server 24a provides the HTML page 62 to the client 20a, line 17-

18 column 12); after the object is output from the first machine, the first processor

deletes (explicitly destroyed, line 55 column 13) the instantiation of the object (the

component becomes no longer instantiated, line 54-55 column 13) from the first

machine.  However, Dale does not explicitly disclose the persistence information of the

object.

APA discloses a system of transporting objects between two machines wherein

the persistence information is associated with the object (page state travel with the page

to the client, lines 3-7 page 6).  It would have been obvious to apply the teachings of

APA to the system of Dale because this provides maintaining session and application

state information.

As to claim 2, Dale as modified further discloses a second processor (10, Fig. 2) on the second machine (client 20a, Fig. 3) for receiving the object with persistence information (receives a requested HTML page, line 18 column 10) and allowing interaction with the object (the clients 20a detects an applet tag for a component, the browser instantiates the component in step 603, line 18-20 column 10), the interaction creating events (note two-ways communication arrows between objects of Fig. 7, and line 30-49 column 10).

As to claim 5, note the discussions of claims 1-2 above. Dale as modified further discloses a first object representation (a component, line 19 column 10); and event information (604, and 605, Fig. 6) relating to interaction with the object.

As to claims 6-7, note the discussions of claims 1-2 above.

4. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dale in view of APA, and further in view of Chang U.S Patent No 5,960,436.

As to claim 3, Dale as modified above does not explicitly disclose the limitations in claim 3. Chang teaches an output of a machine (client, line 7 column 2) for outputting the events and the objects with the persistence information (a record of the transaction and of the modified object, line 8-9 column 2) to the other machine (the server, line 13 column 2), wherein the other machine reinstantiates the objects (written back, line 12 column 2) based on the persistence information and handles the events (sent to the server, and replayed on the server, line 11-12 column 2) as effecting the reinstantiated objects (modified objects, line 12 column 2). It would have been obvious to apply the teachings of Chang to the system of Dale because after the object was being modified

by the client computer, it can be sent back to the server for future use by the original

client computer or any other client computers that are connected to the server.

As to claim 8, note the discussion of claim 3.

5.  Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Dale in view of APA, and further in view of Barlow U.S Patent No. 6, 275,935 and

Chang.

As to claim 4, note the discussions of claims 1-2 above.  Dale as modified further

discloses an input (20b and 22, Fig. 3) in the first machine (client 20a, Fig. 3) for

receiving object (requested HTML page, line 18 column 10) from the second machine

(server 24a, Fig. 3); a processor (10, Fig. 2) in the first machine (client 20a, Fig. 3) for

instantiating an object (instantiates the component, line 20 column 10).  However, Dale

does not teach an event handler and outputting the modified object.

Barlow discloses an event handler (an event handler, line 39-40 column 17) in

handling event (the event, line 40 column 17) in combination with modifying (executed,

line 40 column 17) the object (object 18, line 39 column 17).  It would have been

obvious to apply the teachings of Barlow to the system of Dale as modified  because

when the events are sent to the scripting engine from the server, it can be executed by

the event handler.

Chang discloses outputting the modified object (modified objects, line 11 column

2) to a machine (the server's database, line 12 column 2).  It would have been obvious

to apply the teachings of Chang to the system of Dale for the same reasons as

discussed in claim 3 above.

As to claim 9, note the discussion of claim 4 above.


### *Response to Arguments*

6. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) rejection.

Applicant's arguments presented issues which required the Examiner to further view the previous rejection. The Examiner conducted a further search regarding the issues mentioned in Applicant's response. Therefore, all arguments regarding the cited references of the previous rejection are moot in view of the new grounds of rejection.


### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is 703-306-5540. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Thursday, 8:30 am – 6:00 pm, and every other Friday from 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

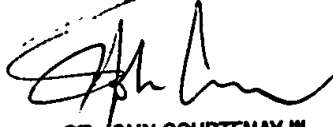Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
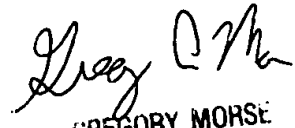
Washington, D.C 20231

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 746 – 7238

- OFFICAL faxes must be signed and sent to (703) 746 – 7239

- NON OFFICAL faxes should not be signed, please send to (703) 746 – 7240

TTH
May 19, 2003

ST. JOHN COURTENAY III
PRIMARY EXAMINER

GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100